IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

AS.No. 299 of 1997(E)

OS115./1993 OF SUB COURT, TIRUR
.....

APPELLANT/ADDL. 2ND PLAINTIFF

POOZHITHARA AYARUTTY'S SON KUNHIMARAKKAR, RESIDING AT PERUMANNA AMSOM AND KLARI DESOM, IN TIRUR TALUK.

BY ADV. SRI.T. KRISHNANUNNI.

RESPONDENTS/1ST PLAINTIFF & DEFENDANTS 1, 3 & 4

1. POOZHITHARA AVARUTTY'S CHILDREN MAMMUKUTTY, RESIDING AT PERUMANNA AMSOM AND KLARI DESOM IN TIRUR TALUK.

2 .QMUHAMMADKUTTY, DO.DO.

3. KUNHEEMMA UMMA, RESIDING AT PERUMANNA AMSOM AND KARUKA DESOM IN TIRUR TALUK.

4. KATHIYAMAKUTTY, RESIDING AT PONMUNDA AMSOM AND DESOM IN TIRUR TALUK.

BY ADV. SMT.PREETHY KARUNAKARAN
SRI.R.RAJESH KORMATH
SRI.ANISH S.AMBADY
SMT.BIJIMOL JOSE

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.S. NO. 299/1997

ORDER ON CMP NO. 1779/1999 IN A.S. NO. 299/1997

// DISMISSED //

20.2.2007.

SD/-
P.R. RAMAN, JUDGE.

SD/-
ANTONY DOMINIC, JUDGE.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & ANTONY DOMINIC, JJ.

A.S. NO. 299OF 1997

DATED THIS, THE 27TH DAY OF FEBRUARY, 2007.

J U D G M E N T

Raman, J.

This is an appeal of the year 1997. Notice was ordered on 31.3.1999. Initially process was not remitted for sending notice to the respondents. Subsequently, though process was paid, notice to the first respondent returned with the endorsement "left India". Notice to R3 also returned with the endorsement "address defers". Hence Respondents 1 and 3 could not be served. Subsequently also there were postings but the defects were not cured. On 17.10.2006, this court granted three weeks time as a last chance for effecting notice to Respondents 1 and 3. When the matter came up for consideration today, there was no representation and even now the defects continues.

In such circumstances, the appeal is dismissed for non prosecution.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-

P.R. RAMAN &
ANTONY DOMINIC, JJ.
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A.S. NO. 299 OF 1997
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J U D G M E N T

DATED: 27.2.2007.